

### **REMARKS/ARGUMENTS**

The Office Action of December 27, 2007, has been reviewed and carefully considered. In this response, claims 1, 5, 7, 11, 15 and 17 have been amended. No new matter has been entered. Entry of amendments to claims 1, 5, 7, 11, 15, and 17 is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. **Claim Rejections under 35 U.S.C. § 112, second paragraph of Claims 1-20**

On page 3 of the Office Action, claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention.

The Examiner asserts that claims 1, 7, 8, 11, and 17 are confusing because it is unclear whether the bidding is based on the sale of the receivables or the fee charged for the collection of the receivables. Applicant respectfully disagrees. However, in order to forward the prosecution of the above-identified patent application, Applicant has amended claims 1, 7, 8, 11, and 17 to distinctly point out the present claimed invention. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 7, 8, 11 and 17, under 35 U.S.C. § 112, second paragraph.

Also, the Examiner asserts that claims 7 and 17 are confusing because it is unclear whether the client or the receivable that is being rated. Applicant respectfully submits that claims 7 and 17, recites “viewing one or more receivable ratings associated with one or more Clients.” Therefore, Applicant respectfully submits that claims 7 and 17, recites one or more receivables that are being rated and not the Client that is being rated.

In view of the foregoing, it is respectfully requested that the aforementioned indefiniteness rejection of claims 1-20 be withdrawn.

II. Claim Rejections under 35 U.S.C. § 103(a) of Claims 1-20

Claims 1-5, 7, 8, 11-15, 17, and 18 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,158,944 to Settle, III (“Settle”) in view of U.S. Patent No. 6,456,983 to Keyes et al. (“Keyes”). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). There are four separate factual inquiries to consider in making an obviousness determination: (1) the scope and content of the prior art; (2) the level of ordinary skill in the field of the invention; (3) the differences between the claimed invention and the prior art; and (4) the existence of any objective evidence, or “secondary considerations,” of non-obviousness. Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966); see also KSR Int’l Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007). An “expansive and flexible approach” should be applied when determining obviousness based on a combination of prior art references. KSR, 127 S. Ct. at 1739. However, a claimed invention combining multiple known elements is not rendered obvious simply because each element was known independently in the prior art. Id. at 1741. Rather, there must still be some “reason that would have prompted” a person of ordinary skill in the art to combine the elements in the specific way that he or she did. Id.; In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1380 (Fed. Cir. 2007). Also, modification of a prior art reference may be obvious only if there exists a reason that would have prompted a person of ordinary skill to make the change. KSR, 127 S. Ct. at 1740-41.

Regarding claims 1 and 11, the Examiner asserts that the claimed invention would have been obvious in view of Settle and Keyes. Applicant respectfully disagrees. However, in order to forward the present application toward allowance, Applicant has amended claims 1 and 11 to more specifically define the claimed invention, and specifically those features that differentiate the claimed invention from Settle in view of Keyes, as well as the other cited references. In particular, Applicant respectfully submits that Settle in view of Keyes, fails to disclose, or even suggest, a method for providing an online collection services marketplace to assist Clients in identifying a Provider for collecting associated receivables, comprising the steps of “enabling the Client to access provider rating data, wherein the provider rating data comprises historical and current performance data including a combination of number of dollars collected, number of dollars placed, age of receivable, and geographical location of the third party,” and “selecting a single Provider based at least in part on the one or more eligible Providers identified by the selected option to collect the receivables and the provider rating data,” as presently claimed. In contrast, Settle discloses a method and apparatus for facilitating the selection of legal and legal-related service providers. Neither Settle nor Keyes discloses, or even suggests, the claimed function directed to “provider rating data” as detailed in the Specification at paragraph [0029]. In addition, Keyes fails to remedy the deficiencies of Settle. Furthermore, an embodiment of the present invention may allow a client to access information regarding the successes and failures of Providers and reward Providers that provide effective, professional service and thereby leading to a more responsive, effective, professional service. Moreover, by allowing a client to access the provider rating data may encourage Providers of the present collection services to report to the collection service system all amounts collected, in order to boost their provider rating data

and thereby secure an increased number of accounts referred to it. Accordingly, is it respectfully submitted that claims 1 and 11 are allowable over Settle in view of Keyes.

Regarding claims 7 and 17, the Examiner asserts that the claimed invention would have been obvious in view of Settle and Keyes. Applicant respectfully disagrees. However, in order to forward the present application toward allowance, Applicant has amended claims 7 and 17 to more specifically define the claimed invention, and specifically those features that differentiate the claimed invention from Settle in view of Keyes, as well as the other cited references. In particular, Applicant respectfully submits that Settle in view of Keyes, fails to disclose, or even suggest, a method for providing an online collection services marketplace to assist Clients in identifying a Provider for collecting associated receivables, comprising the steps of “enabling the Provider to access client rating data, wherein the client rating data comprises a combination of a size of the Client’s business, number of Client’s open accounts, an average age of Client’s collections placement, and a percent of Client’s placements collected, wherein the client rating data is used in part on identifying one or more potential internal problems negatively impacting collection efforts,” and “responding to a Client selecting the single Provider identified by at least one of the selected option to collect the receivables and the client rating data,” as presently claimed. In contrast, Settle discloses a method and apparatus for facilitating the selection of legal and legal-related service providers. Neither Settle nor Keyes discloses, or even suggests, the claimed “client rating data” features. In addition, Keyes fails to remedy the deficiencies of Settle. Furthermore, the claimed collection services may allow a Provider to acquire information on Clients for whom they will prospectively be working and whose delinquent account they maybe servicing. Moreover, the claimed collection services system may provide information to Providers regarding all aspects of the Client to determine an availability and reliability of the

Client's information on the delinquent accounts placed. Accordingly, is it respectfully submitted that claims 7 and 17 are allowable over Settle in view of Keyes.

Additionally, the Office Action has failed to provide any proper motivation for modifying Settle and Keyes, so the proposed modification fails. In fact, Settle and Keyes are improperly combined and lack proper motivation. Even if the combination of Settle and Keyes could be modified as suggested by the Office Action, the resulting combination would nevertheless fail to show each and every limitation claimed by Applicant.

Regarding claims 2-5, 8, 12-15, and 18, these claims are dependent upon independent claims 1, 7, 11, and 17. Thus, since independent claims 1, 7, 11, and 17 should be allowable as discussed above, claims 2-5, 8, 12-15, and 18 should also be allowable at least by virtue of their dependency on independent claims 1, 7, 11, and 17. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-5, 7, 8, 11-15, 17, and 18 be withdrawn.

Claims 6 and 16 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,158,944 to Settle, III ("Settle") in view of U.S. Patent No. 6,456,983 to Keyes et al. ("Keyes") and further in view of Bonner (Bonner-Markovsky, Diane. "Selecting and Monitoring External Collection Agencies." Topics in Health Care Financing. Gaithersburg: Fall 1993. Vol. 20, Iss.1; pg. 71 9 pgs). This rejection is hereby respectfully traversed.

Regarding claims 6 and 16, it is respectfully submitted that the aforementioned obviousness rejection of claims 6 and 16 has become moot in view of the deficiencies of the

primary references (i.e., Settle and Keyes) as discussed above with respect to independent claims 1 and 11. That is, claims 6 and 16 are dependent upon independent claims 1 and 11, respectively, and thus inherently incorporates all of the limitations of independent claims 1 and 11. Also, the secondary reference (i.e., Bonner) fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claims 1 and 11. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary reference with the primary references also fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claims 1 and 11. Accordingly, claims 6 and 16 should be allowable over the combination of the secondary reference with the primary references at least by virtue of their dependency on independent claims 1 and 11. Moreover, claims 6 and 16 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 6 and 16 be withdrawn.

Claims 9 and 19 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,158,944 to Settle, III ("Settle") in view of U.S. Patent No. 6,456,983 to Keyes et al. ("Keyes") and further in view of U.S. Patent No. 6,012,046 to Lupien ("Lupien"). This rejection is hereby respectfully traversed.

Regarding claims 9 and 19, it is respectfully submitted that the aforementioned obviousness rejection of claims 9 and 19 has become moot in view of the deficiencies of the primary references (i.e., Settle and Keyes) as discussed above with respect to independent claims 7 and 17. That is, claims 9 and 19 are dependent upon independent claims 7 and 17, respectively, and thus inherently incorporates all of the limitations of independent claims 7 and

17. Also, the secondary reference (i.e., Lupien) fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claims 7 and 17. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary reference with the primary references also fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claims 7 and 17. Accordingly, claims 9 and 19 should be allowable over the combination of the secondary reference with the primary references at least by virtue of their dependency on independent claims 7 and 17. Moreover, claims 9 and 19 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 9 and 19 be withdrawn.

Claims 10 and 20 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,158,944 to Settle, III ("Settle") in view of U.S. Patent No. 6,456,983 to Keyes et al. ("Keyes") and further in view of U.S. Patent No. 6,598,026 to Ojha ("Ojha"). This rejection is hereby respectfully traversed.

Regarding claims 10 and 20, it is respectfully submitted that the aforementioned obviousness rejection of claims 10 and 20 has become moot in view of the deficiencies of the primary references (i.e., Settle and Keyes) as discussed above with respect to independent claims 7 and 17. That is, claims 10 and 20 are dependent upon independent claims 7 and 17, respectively, and thus inherently incorporates all of the limitations of independent claims 7 and 17. Also, the secondary reference (i.e., Ojha) fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claims 7 and 17. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary

reference with the primary references also fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claims 7 and 17.

Accordingly, claims 10 and 20 should be allowable over the combination of the secondary reference with the primary references at least by virtue of their dependency on independent claims 7 and 17. Moreover, claims 10 and 20 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 10 and 20 be withdrawn.



**CONCLUSION**


In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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